

EXHIBIT H

ROGER TOURANGEAU, PhD, 4-8-09

Page 1

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

4:05-CV-00329-TCK-SAJ

THE VIDEOTAPED DEPOSITION OF
ROGER TOURANGEAU, PhD, produced as a witness on
behalf of the Defendants in the above styled and
numbered cause, taken on the 8th day of April, 2009,
in the City of Tulsa, County of Tulsa, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

ROGER TOURANGEAU, PhD, 4-8-09

Page 57

1 A What was critical to us was to present a
2 solution to people that was plausible, that they
3 could understand and that they accepted, and we
4 presented a solution involving alum and other steps
5 the State would take, might take to restore the
6 river and lake to 1960 conditions, and in order to
7 obtain the information we needed, we presented the
8 scenario.

09:50AM

9 Q So all that matters is that it has to be
10 plausible?

09:51AM

11 MS. XIDIS: Objection to form.

12 A Well, the various things I said. It has to be
13 plausible, understood and they have to accept it.

14 Q And that's it in terms of survey design as far
15 as your ethical obligation?

09:51AM

16 MS. XIDIS: Objection to form.

17 A We gave them information so they could make a
18 decision and we recorded their answers honestly.

19 Q When you were conducting the CV survey, did
20 you inform the respondents that some of the
21 information you were giving them was hypothetical or
22 did you present it as truth?

09:52AM

23 MS. XIDIS: Objection to form.

24 A Could I see the CV survey before I comment?

25 Q Sure.

09:52AM

ROGER TOURANGEAU, PhD, 4-8-09

Page 127

1 certainty or uncertainty or it could be a
2 hypothetical question. You know, I don't know. I
3 don't have a general rule on that particular issue
4 in my mind, no.

5 Q What about in connection with this survey? 11:54AM

6 A I don't think we tried to portray information
7 a certain -- you know, I think -- and it's apparent
8 from the responses to the follow-up questions that a
9 lot of people didn't believe what we said about some
10 aspects. So I don't think we misled anybody about 11:54AM
11 the level of certainty associated with the
12 information.

13 Q Do you think people might have changed their
14 votes had they known that the alum restoration
15 program was not something that was even evaluated by 11:54AM
16 the State's restoration consultant?

17 MS. XIDIS: Object to form.

18 A I don't understand that, so I doubt it would
19 have much impact on them. You want to read it
20 again? 11:54AM

21 Q Yeah. You presented the alum restoration
22 program as something that would work, that the State
23 was considering doing in order to solve this
24 problem. Do you think it would have been important
25 to the recipients to know that the State's 11:55AM

ROGER TOURANGEAU, PhD, 4-8-09

Page 128

1 restoration expert had not even evaluated it?

2 MS. XIDIS: Objection to form.

3 A I think we've been over this a lot of times.

4 What was important to us about the alum program was

5 that people thought it would solve the problem, that 11:55AM

6 they understood it and they accepted it. The

7 State -- who was it -- evaluation expert's view of

8 it, I don't see it as relevant.

9 Q Would you agree that people's preferences are
10 essentially constructed during the survey interview? 11:55AM

11 MS. XIDIS: Objection to form.

12 A I'm not sure what you mean.

13 Q Do you think that people walked into the

14 survey room with an opinion about restoration time

15 periods on the Illinois River and Tenkiller Lake, or 11:56AM

16 do you think that that opinion was formed during

17 this survey process?

18 A I think in most surveys answers to most

19 opinion questions are a mix. Some people come into

20 the survey with a readymade answer. Other people 11:56AM

21 have values and beliefs from which they can

22 formulate an answer to the particular question at

23 hand. So it's a blend of people who have a view

24 versus people who don't have a view. Just like when

25 you go into a store or something and you want to buy 11:56AM